

APPEAL NO. 021803
FILED AUGUST 22, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 27, 2002. The hearing officer resolved the disputed issue by concluding that the appellant (claimant) did not have disability from September 1, 2000, through October 30, 2001. Both the claimant and the claimant's attorney appealed the determination. The respondent (carrier) filed a response arguing that there was sufficient evidence to support the determination made by the hearing officer.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____. At the CCH the parties agreed to withdraw the issue of whether the claimant has reached maximum medical improvement. The sole issue to be determined by the hearing officer was whether the claimant had disability from September 1, 2000, through October 30, 2001, as a result of the injury sustained on _____. We have reviewed the complained-of determination and find that the hearing officer's Decision and Order is supported by sufficient evidence. The issue of disability presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issue. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determination is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ST. PAUL FIRE & MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Roy L. Warren
Appeals Judge